



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Zimbabwe – Researched and compiled by the Refugee Documentation Centre of Ireland on 9 December 2013

Information on mining/land grabbing by Zanu PF in Zimbabwe, their complicity /involvement.

The 2010 US Department of State country report for Zimbabwe, in a section titled “Arbitrary Interference with Privacy, Family, Home, or Correspondence”, states:

“Land seizures remained a serious problem. Constitutional amendment 17, enacted in 2005, transferred title of all land previously acquired for resettlement purposes to the government, prohibited court challenges to the acquisitions, and allowed the government to acquire any agricultural land for any purpose simply by publishing a notice of acquisition. The 2006 Gazetted Land (Consequential Provisions) Act requires all farmers whose land was forcibly seized by the government and who were not in possession of an official offer letter, permit, or lease to cease to occupy, hold, or use that land within 45 days and to vacate their homes within 90 days. Only a small number of farmers received an offer letter or lease. Failure to comply is a criminal offense punishable by a fine and a maximum prison sentence of up to two years. The act was primarily used to target the 4,500 large-scale and primarily white-owned farms in the country for seizure and redistribution to black Zimbabweans, including ZANU-PF supporters.” (US Department of State (8 April 2011) *2010 Human Rights Report: Zimbabwe*)

An Amnesty International report, in a section titled “Role Of The Security Services In Restricting Fundamental Freedoms”, states:

“In addition, senior personnel in the security services benefited from ZANU-PF’s Fast Track Land Reform Programme that started in 2000 through which they were allocated large tracts of land.” (Amnesty International (12 July 2013) *“Walk the Talk”: Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, p.20)

The 2013 Freedom House report states:

“Property rights are not respected. Operation Murambatsvina in 2005 entailed the eviction of hundreds of thousands of city dwellers and the destruction of thousands of residential and commercial structures, many of which had been approved by the government. Despite a government resettlement program (Operation Garikai), by 2012 the majority of victims still lacked adequate housing and had no means of redressing the destruction of their property. Most victims have moved into existing, overcrowded urban housing stock or remained in rural areas. In rural areas, the nationalization of land has left both commercial farmers and smallholders with limited security of tenure, and the lack of title to land means that they have little collateral to use for bank loans.” (Freedom House (3 June 2013) *Freedom in the World 2013 – Zimbabwe*)

A report from SW Radio Africa states:

"Von Abo is just one of the hundreds of South Africans affected by the land seizures, which have been ongoing for over a decade. South African born Dirk Visagie and his wife Heidi are another example, after they were forced to pack up their belongings and leave their Chegutu farm in 2012. The eviction followed a court ruling that Dirk was guilty of remaining on the property, which had been singled out for invasion by a ZANU PF official called Timothy Madavanhu. In 2011, ZANU PF youths in Nyazura evicted two South African farmers, Koos Smith of De Rust farm and Tienie van Rensburg of Rueben farm, giving them an hour's notice to pack up their belongings and leave. Other South Africans affected by the land grabs include Louis Fick who lost his Chinoyi farm after a series of invasions, as well as Philip and Ellen Hapelt from Grasslands Farm in Somabhula, who were also kicked off their property in 2010. The land grabs after 2009 violate a bilateral investment protection agreement (BIPPA) that was signed by South Africa and Zimbabwe that same year. The BIPPA was ratified in 2010 and is meant to offer South African investors some kind of protection. But in the case of the farms, this never happened." (SW Radio Africa (16 October 2013) *ZANU PF minister slammed for 'blatant lies' about land grabs*)

This report also states:

"Despite a 2011 decision by the Kimberley Process – an international mechanism designed to prevent the use of diamonds to fund armed conflicts – to lift a suspension of Zimbabwean diamond exports from a number of mines in the Marange diamond fields, allegations of graft and human rights abuses at mines continued to be reported in 2012. Some of the mines were controlled by security forces or powerful generals. A November report by Partnership Africa Canada (PAC) alleged that at least \$2 billion in diamonds had been stolen from Marange by military and government officials, while Finance Minister Tendai Biti of the MDC claimed in July that the treasury had received only \$46 million out of an expected \$600 million in diamond revenues in 2011-12, an assertion that was denied by the state-owned Zimbabwe Mining Development Corporation." (ibid)

A Human Rights Watch report states:

"Over the past six months, police and private security personnel have attempted to clear the fields of local miners whom they accuse of illegally mining diamonds. Human Rights Watch research found that in many cases, the police and private security guards used excessive force against the miners." (Human Rights Watch (30 August 2011) *Zimbabwe: Rampant Abuses in Marange Diamond Fields*)

See also Summary of a Human Rights Watch report which states:

"Zimbabwe's armed forces, under the control of President Robert Mugabe's Zimbabwe African National Union–Patriotic Front (ZANU-PF), are engaging in forced labor of children and adults and are torturing and beating local villagers on the diamond fields of Marange district. The military seized control of these diamond fields in eastern Zimbabwe after killing more than 200 people in Chiadzwa, a previously peaceful but impoverished part of Marange, in late October 2008. With the complicity of ZANU-PF, Marange has become a zone of lawlessness and impunity, a microcosm of the chaos and desperation that currently pervade Zimbabwe." (Human Rights Watch (26 June 2009) *Diamonds in the Rough: Human Rights Abuses in the Marange Diamond Fields of Zimbabwe*, p.3)

This Summary also states:

“In this context, army brigades have been rotated into Marange to ensure that key front-line units have an opportunity to benefit from the diamond trade. Soldiers have bullied and threatened miners and other civilians into forming syndicates so that the soldiers can control diamond mining and trade in Marange. The enrichment of soldiers serves to mollify a constituency whose loyalty to ZANU-PF, in the context of ongoing political strife, is essential. The deployment of the military in Marange also ensures access to mining revenue by senior members of ZANU-PF and the army. Human Rights Watch believes that money from illegal diamond trading is likely to be a significant source of revenue for senior figures in ZANU-PF, which has either failed to or decided not to effectively regulate the diamond fields while exploiting the absence of clear legal ownership of the gemstones.” (ibid, p.3)

In a section titled “Human Rights Abuses, Corruption, and Extortion by the Police” this report states:

“On November 21, 2006, five months after the discovery of diamonds in Marange, the government launched a nationwide police operation code-named Chikorokoza Chapera (End to Illegal Panning), which was aimed at stopping illegal mining across the country, including in Marange. During the operation, police deployed some 600 police officers, arrested about 22,500 persons nationwide who it said were illegal miners (some 9,000 of them were arrested in Marange), and seized gems and minerals with an estimate total value of US\$7 million. The operation was marked by human rights abuses by the police, as well as corruption, extortion, and the smuggling of diamonds. Police coerced local miners to join syndicates that would provide the police with revenue from the sales of diamonds that the miners found. In seeking to end illegal mining and maintain control of the fields, police engaged in killings, torture, beatings, and harassment of local miners in Marange, particularly when police ‘reaction teams’ carried out raids to drive local miners from the diamond fields.” (ibid, p.19)

An article from The Africa Report states:

“As political touchstones go, disputes over the Marange diamond reserves and plans to indigenise the mining sector have become the new 'land grab' issues. In both cases, President Robert Mugabe's ZANU-PF is facing off his western critics, with Prime Minister Morgan Tsvangirai and his Movement for Democratic Change (MDC) stuck uneasily on middle ground. Zimbabwe's opposition politicians and international anti-corruption activists claim the Marange mine, under heavy army security, is being run as a ZANU-PF fiefdom.” (The Africa Report (24 October 2011) *Zimbabwe Mining: Politics goes underground*)

A BBC News report states:

“Ms Dunnebacke said that while other diamond fields had been taken over by companies, she believed a ‘large proportion’ of the Marange diamond fields remained under military control. ‘The remainder of the diamond fields appear to still be under military control with the military still taking part in exploitation, the trading, the smuggling and of course the associated human rights abuses.’ (BBC News (8 January 2010) *Zimbabwe diamond mine abuses 'continue'*)

An International Crisis Group report, in a section titled “Economic Interests”, states:

“Much controversy has centred on diamond revenues. The finance ministry projected an income of \$650 million from such revenues in the 2011-2012 national budget, but

in November 2012, the Zimbabwe Mining Development Corporation (ZMDC) revised the projection by 75 per cent downward. The finance minister and MDC-T secretary general, Tendai Biti, has blamed revenue deficits on the lack of transparency in revenue flows, and production and sales details. He suggested that illicit diamond revenues are enriching individuals and financing parallel government structures and activities. These allegations are supported by domestic and international NGOs. The ZANU-PF mines and mining development minister, Obert Mpofu, has dismissed these claims, blaming low prices and sanctions and denouncing the finance ministry's ineffectiveness in revenue collection. Diamond pricing structure and trading channels remain obscure, exacerbating perceptions of corruption." (International Crisis Group (6 May 2013) *Zimbabwe: Election Scenarios*, pp.23-24)

A research paper published by Transparency International Zimbabwe, in a section titled "Politicians and political corruption", states:

"The study also established that certain areas where there is illegal gold or diamond mining are not raided by the police; because of they are protected by influential politicians. One such area is in Kwekwe, in an area known as Sherwood, popularly known by the locals as Kuhasha. In this area senior politicians have formed syndicates with police officers and the illegal gold panners to engage in an organized and complex chain of hidden corruption. The gold that is mined at Sherwood is not sold directly to the Reserve of Zimbabwe as required by the law but finds its way out of the country through murky transactions. The Sherwood gold belt is not raided often giving credence to the widely held claim that the area is protected by senior politicians who directly benefit from the illegal gold mining activities taking place there. Whenever there are impending raids the illegal gold miners seem to be well informed of the raids, their timing and how they will be carried out. This clearly shows that the politicians in cohort with the police as well as the illegal miners are working to deprive the country of gold and attendant revenues which should contribute to the national fiscus. From the in-depth interviews high ranking officials from the Zimbabwe African National Union- Patriotic Front (ZANU-PF) were identified by the respondents interviewed as the main politicians who were corruptly promoting and protecting illegal mining and trade of gold as well as diamonds in Zimbabwe." (Transparency International Zimbabwe (2013) *Research paper on the power dimension to mineral related corruption*, p.8)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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